

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

RICHARD DASCHBACH
*individually and on behalf of all
others similarly situated,*

Plaintiff,

v.

ROCKET MORTGAGE, LLC,

Defendant.

CASE NO. 1:22-cv-00346-JL

November 29, 2022

**ROCKET MORTGAGE, LLC’S MOTION TO DISMISS
PLAINTIFF’S FIRST AMENDED COMPLAINT
PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Pursuant to Fed. R. Civ. P. 8 and 12(b)(6), Rocket Mortgage, LLC (“Rocket Mortgage”) hereby moves to dismiss all claims in Plaintiff Richard Daschbach (“Plaintiff” or “Daschbach”) First Amended Complaint (ECF No. 10) because each fails to state a claim for a violation of the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227, et seq, the TCPA’s implementing regulations, and New Hampshire’s Telemarketing Sales Calls statute, N.H. Rev. Stat. Ann. § 359-E:8. The grounds for this Motion are set forth in the accompanying Memorandum of Law. Rocket Mortgage files this Motion in the alternative and without prejudice to its contemporaneously filed Motion to Compel Arbitration (ECF No. 15.)

Pursuant to Local Rule 7.1(d), Rocket Mortgage requests oral argument on this Motion because argument will provide Rocket Mortgage the opportunity to answer any questions the Court may have regarding this Motion and to clarify any issues raised by the Court during oral argument.

WHEREFORE, Rocket Mortgage respectfully requests that the Court enter and Order:

- A. Scheduling Oral Argument on this Motion;
- B. Granting Rocket Mortgage's Motion to Dismiss; and
- C. Granting such further relief as the Court finds just, equitable and appropriate.

Respectfully Submitted,

By Its Attorneys,

/s/ W. Kyle Tayman

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November 29, 2022

CERTIFICATE OF SERVICE

I, W. Kyle Tayman, certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on November 29, 2022.

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